

HEALTH AND SAFETY (35 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Oct. 29, 2020, P.L. 739, No. 91

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HB 1673

AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, further providing for scope of subchapter, for legislative findings and declaration of purpose, for definitions, for assistance to volunteer fire companies, ambulance service and rescue squads, for Volunteer Companies Loan Fund, for powers and duties of office, for disposition and use of proceeds, for Volunteer Company Loan Sinking Fund and investments, for repayment obligations for principal and interest, for temporary financing authorization, for authorization of contracts, reimbursement procedure and amount and for reimbursement procedure and amount, providing for referendum to expand loan assistance and for annual report and distribution of information, further providing for definitions and for State Fire Commissioner, providing for curriculum and training and further providing for Pennsylvania State Fire Academy, for Pennsylvania Volunteer Loan Assistance Program and for Fire Safety Advisory Committee; in volunteer firefighters, further providing for definitions, for statement of purpose, for funds and for audits and providing for fire relief formula study; in grants to fire companies and emergency medical services companies, further providing for definitions, for establishment, for publication and notice, for award of grants, for consolidation incentive, for establishment, for publication and notice and for award of grants, providing for consolidation incentive, further providing for Fire Company Grant Program, for Emergency Medical Services Company Grant Program, for additional funding, for allocation of appropriated funds, for expiration of authority and for special provisions and providing for annual reports; in incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies, further providing for definitions, for program authorization, for real property tax credit and for rejection and appeal; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The heading of Subchapter E of Chapter 73 of Title 35 of the Pennsylvania Consolidated Statutes is amended to read:

SUBCHAPTER E  
[VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE  
AND RESCUE SQUAD ASSISTANCE]  
**FIRE AND EMERGENCY MEDICAL SERVICES  
LOAN PROGRAM**

Section 2. Sections 7361 and 7362(b) of Title 35 are amended to read:

§ 7361. Scope of subchapter.

This subchapter relates to [volunteer fire company, ambulance service and rescue squad assistance] **fire companies and emergency medical services companies.**

§ 7362. Legislative findings and declaration of purpose.

\* \* \*

(b) Purpose.--[It is the purpose of this subchapter to implement section 5 of the act of September 25, 1975 (P.L.296, No.95), entitled "An act authorizing the indebtedness, with the approval of the electors, of ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," section 5 of the act of June 30, 1981 (P.L.138, No.44), entitled "An act authorizing the indebtedness, with the approval of the electors, of \$15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," and section 7378.1(5) (relating to referendum for additional indebtedness), as well as to implement in part section 31.3 of the act of June 29, 2002 (P.L.559, No.89), entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals," by providing for loans to volunteer fire, ambulance and rescue companies to protect the lives and property of the citizens of this Commonwealth pursuant to and to execute the above favorable referenda in subsection (a).] The General Assembly has determined that [volunteer] fire companies **and emergency medical services companies** are most in need of loans [and therefore intends that, to the extent possible, a significant portion of the Volunteer Companies Loan Fund be used to provide loans to volunteer fire companies and that the balance be allocated to provide loans to volunteer ambulance and volunteer rescue companies]. The General Assembly intends that the loans provided

under this subchapter be used to replace outmoded or unsafe equipment and buildings of [volunteer] **fire** companies and [that the loans be provided to volunteer companies which are experiencing a need for equipment or facilities] **emergency medical services companies** to meet an increasing demand for a higher level of service in the communities which they serve.

Section 3. The definition of "Volunteer Companies Loan Fund" in section 7363 of Title 35 is amended and the section is amended by adding definitions to read:

§ 7363. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

**"Emergency medical services company" or "EMS company." A career, nonprofit or volunteer emergency medical services company.**

\* \* \*

**"Fire company." A volunteer fire company.**

**"Fund." The Fire and Emergency Medical Services Loan Fund established under section 7365 (relating to Fire and Emergency Medical Services Loan Fund).**

**"Municipality." A county, city, borough, incorporated town or township.**

\* \* \*

**"Volunteer Companies Loan Fund." The fund established under section 7365 (relating to Volunteer Companies Loan Fund).]**

Section 4. Sections 7364, 7365, 7366(a)(2) and (3.1) and (b)(2), 7371, 7374, 7376, 7378(d), 7378.2 and 7378.3 of Title 35 are amended to read:

§ 7364. Assistance to [volunteer] fire companies[, ambulance service and rescue squads] **and EMS companies.**

(a) General rule.--The office is authorized, upon application of any [volunteer] fire company[, volunteer ambulance service or volunteer rescue squad] **or EMS company**, to make loans for the following purposes:

(1) Establishing or modernizing facilities that house firefighting equipment, ambulance or rescue vehicles. The amount of a loan for establishing or modernizing facilities made to any one [volunteer] fire company[, ambulance service or rescue squad] **or EMS company** shall not exceed 50% of the total cost of the facilities or modernization or [\$400,000] **\$450,000**, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the facilities in unobligated funds. Proceeds of the loan shall be used only for purposes of structure or land acquisition or renovation or construction and shall not be used for payment of fees for design, planning, preparation of applications or any other cost not directly attributable to structure or land acquisition or renovation or construction.

(2) Purchasing firefighting apparatus, ambulances or rescue vehicles. The amount of a loan made for purchasing firefighting apparatus to any one [volunteer] fire company shall not exceed [\$200,000] **\$250,000** for any single firefighting apparatus equipment or utility or special service vehicle or heavy duty rescue vehicle as defined by regulation or guideline, or 50% of the total cost of the equipment or vehicle, whichever is less, except for loans for aerial apparatus as defined by regulation or guideline, which shall not exceed [\$300,000] **\$350,000**. The amount of a loan made to any one [volunteer] fire company[, ambulance service or rescue squad] **or EMS company** for any ambulance or light duty rescue vehicle as defined by regulation or guideline shall not exceed [\$100,000] **\$125,000** and for a watercraft rescue vehicle shall not exceed [\$30,000] **\$35,000** or 50% of the cost of the

ambulance or rescue vehicle, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the vehicle in unobligated funds.

(3) Purchasing protective, accessory or communication equipment. No [volunteer] fire company[, ambulance service or rescue squad] **or EMS company** shall receive a loan for protective, accessory or communicative equipment more than once in any five-year period. Each [volunteer] fire company[, ambulance service or rescue squad] **or EMS company** may apply for a loan for a mobile and portable radio unit for each existing serviceable apparatus equipment, ambulance or rescue vehicle. Radio equipment obtained through loans under this subchapter shall be equipped with a frequency or frequencies licensed by the Federal Communications Commission for firefighting or emergency response purposes. A notarized financial statement shall be filed and loans under this subchapter for the purchase of protective, accessory or communicative equipment shall not exceed [\$20,000] **\$25,000**.

(4) Refinancing debt incurred or contracts entered into after November 4, 1975, and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards.

(5) Repair or rehabilitation of apparatus equipment. Where it has been determined that existing apparatus equipment no longer meets the standards of the National Fire Protection Association and the repair or rehabilitation of such equipment will bring it in compliance with National Fire Protection Association standards, loans for the repair or rehabilitation for a single apparatus equipment shall be for at least [\$2,000] **\$3,000** but shall not exceed the lesser of [\$70,000] **\$80,000** or 80% of the total cost of repair or rehabilitation.

(6) Purchasing of used firefighting apparatus, equipment, used ambulances, used rescue vehicles, used communications equipment, used accessory equipment or used protective equipment, except that the used vehicles and equipment shall meet the National Fire Protection Association (NFPA) standards and loans for the purchase of a used single apparatus equipment shall not exceed [\$120,000] **\$200,000** or 80% of the total cost of the equipment, whichever is less.

[(7) Purchasing Pennsylvania Fire Information Reporting System (PennFIRS) hardware and software. A volunteer fire company shall be eligible to apply one time only for a loan of not more than \$4,000 or 75% of the cost of such acquisition, whichever is less, and with a term not exceeding five years for the purpose of acquiring the hardware and software necessary to participate in the Pennsylvania Fire Information Reporting System. The office shall develop, at its discretion, such procedures and forms as it may deem necessary to facilitate loans for PennFIRS hardware and software. The loans shall be secured as required by law.]

(a.1) Limitation.--Loans under this subchapter may be made for any of the purposes of subsection (a) undertaken by a [volunteer] fire company[, volunteer ambulance service and volunteer rescue squad] **or EMS company** on or after November 4, 1975.

(b) Loans.--Loans made by the office in the amount of [\$30,000] **\$50,000** or less shall be for a period of not more than ten years. Loans in excess of [\$30,000] **\$50,000** but not in excess of [\$100,000] **\$300,000** shall be for a period of not more than 15 years. The payback period of any loan in excess of [\$100,000], except a loan for establishing or modernizing facilities,] **\$300,000** shall not exceed 20 years. [The payback period for any loan in excess of \$200,000 for establishing or modernizing facilities shall not exceed 20 years.] Loans shall be subject to

the payment of interest at 2% per year and shall be subject to such security as shall be determined by the commissioner. The total amount of interest earned by the investment or reinvestment of all or any part of the principal of any loan shall be returned to the office and transferred to the [Volunteer Companies Loan Fund] **Fire and Emergency Medical Services Loan Fund** and shall not be credited as payment of principal or interest on the loan. Except as provided in subsection (a)(5) and (7), the minimum amount of any loan shall be [\$10,000] **\$25,000**.

**(b.1) Inflation adjustment.**--Beginning one year after the effective date of this subsection and biannually thereafter, all loan limits under this section shall increase at the rate of inflation as outlined in the Consumer Price Index for All Urban Consumers for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD area for the most recent 12-month period for which the figures have been reported by the United States Department of Labor, Bureau of Labor Statistics. If the rate of inflation does not increase, all loan limits shall remain the same as they were for the previous year. The office shall transmit notice of loan limit increases to the Legislative Reference Bureau for publication in the **Pennsylvania Bulletin**.

**(c) Applications.**--Every application for a loan shall be accompanied by a notarized financial statement of the [volunteer] fire company[, ambulance service or rescue squad] **or EMS company** and a financial plan to show the amount of assets and projected revenues for the repayment of the loan, any other obligations of the [volunteer] **fire company or EMS company** and operating expenses over the period of the loan. Every application shall be accompanied by evidence sufficient to show that all costs except the amount of the loan have been obtained by assets of the [volunteer] **fire company or EMS company** and other loans or sources of revenue. If a [volunteer] fire company[, ambulance service or rescue squad] **or EMS company** is unable to meet the 20% requirement of subsection (a), then a political subdivision which is served by the [volunteer] **fire company or EMS company** may pledge its credit in the amount of funds necessary to satisfy the 20% requirement and, if it does so, shall cosign the application submitted by the [volunteer] **fire company or EMS company**.

**(c.1) Application review committee.**--The office shall establish an application review committee to review loan applications and recommendations on loan applications under this section. The application review committee shall regularly meet at least quarterly to review loan applications and make recommendations on loan applications to the office. The application review committee shall be chaired by the commissioner or the commissioner's designee and include the following members:

- (1) The chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate or the chair's designee.
- (2) The minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate or the minority chair's designee.
- (3) The chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives or the chair's designee.
- (4) The minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives or the minority chair's designee.
- (5) The director of the Bureau of Emergency Medical Services in the Department of Health or the director's designee.
- (6) A representative of the Pennsylvania Fire and Emergency Services Institute.
- (7) A representative of the Firemen's Association of the State of Pennsylvania.

(8) A representative of the Ambulance Association of Pennsylvania.

(9) A representative of the Pennsylvania Emergency Health Services Council.

(d) Use.--Loans shall be used for the acquisition by [volunteer] **fire companies or EMS companies** of new or used apparatus equipment, new or used ambulances, new or used rescue vehicles, new or used communications equipment, new or used accessory equipment or new or used protective equipment or for the acquisition and renovation of existing structures to house firefighting equipment, ambulance or rescue vehicles or for the construction or modernization of facilities and, except as provided in subsection (a)(4), shall not be used for operating expenses or for the refinancing of renovated structures, refinancing of construction or modernization of facilities, apparatus equipment, communication equipment, accessory equipment, nor, except as provided in subsection (a)(4), shall be made or used to reduce any debt or other obligations issued prior to the effective date of this subchapter.

(e) Payment.--Loans made by the office shall be paid from the [Volunteer Companies Loan Fund] **fund** to the [volunteer] fire companies[, ambulance services and rescue squads] **and EMS companies** in accordance with guidelines and procedures developed by the office.

(f) Deposit.--All payments of interest on the loans and the principal thereof shall be deposited by the office in the [Volunteer Companies Loan Fund] **fund**.

(g) Eligibility.--A [volunteer] fire company[, ambulance service and rescue squad] **or EMS company** shall be eligible for a loan regardless of legal ownership in whole or in part by any political subdivision of any facilities or apparatus equipment used by the [volunteer] fire company[, volunteer ambulance and volunteer rescue squad] **or EMS company**. Any equipment or facilities financed may be transferred to a political subdivision served by the [volunteer] fire company[, volunteer ambulance service or volunteer rescue squad] **or EMS company** subject to such security as shall be determined by the commissioner.

(h) Maximum amount.--Notwithstanding any other provision of this section to the contrary, the maximum amount of any loan to a [volunteer] fire company[, volunteer ambulance service and volunteer rescue squad] **or EMS company** for the purchase of firefighting apparatus, ambulances or rescue vehicles manufactured or assembled in this Commonwealth, may exceed the loan limits set forth in this section by \$20,000.

(i) Aggregation of loans.--

(1) Subject to paragraph (2), a fire company[, volunteer rescue service or volunteer ambulance service] **or EMS company** shall not be eligible for more than three loans at one time.

(2) If more than one fire company[, volunteer rescue service or volunteer ambulance service] **or EMS company** merge or consolidate into a single entity, as determined by the commissioner, the entity shall be eligible for not more than ten loans at one time for a period of ten years from the date of the merger or consolidation.

§ 7365. [Volunteer Companies Loan Fund] **Fire and Emergency Medical Services Loan Fund**.

(a) General rule.--There is created a special fund in the Treasury Department to be known as the [Volunteer Companies Loan Fund] **Fire and Emergency Medical Services Loan Fund** to which shall be credited all appropriations made by the General Assembly other than appropriations for expenses of administering this subchapter or grants from other sources to the office as well as repayment of principal and interest on loans made under this subchapter.

(b) Requisition.--Upon approval of the loan, the commissioner shall routinely requisition from the [Volunteer Companies Loan

Fund] **fund** such amounts as shall be allocated by the office for loans to [volunteer] **fire companies or EMS companies**. When and as the amounts so allocated as loans to [volunteer] **fire companies or EMS companies** are repaid pursuant to the terms of the agreements made and entered into with the office, the office shall pay such amounts into the [Volunteer Companies Loan Fund] **fund**, it being the intent of this subchapter that the [Volunteer Companies Loan Fund] **fund** shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied to the purposes of this subchapter.

(c) Administration.--[Each fiscal year, the State Fire Commissioner may use an amount up to \$250,000 from the Volunteer Companies Loan Fund for the administrative cost of implementing the loan program under this subchapter.] **The commissioner may use up to 50% of the interest payments, but not in excess of \$600,000, for administrative costs on an annual basis.**

§ 7366. Powers and duties of office.

(a) Mandatory.--The office has the following duties:

\* \* \*

(2) To accept grants from the Federal Government and any other individual, agency or government for use in the [Volunteer Companies Loan Fund] **fund**.

\* \* \*

(3.1) To establish criteria to determine need for firefighting apparatus, ambulances and rescue vehicles and to establish guidelines and procedures for [volunteer] **fire companies or EMS companies** to show just cause to determine that need.

\* \* \*

(b) Discretionary.--The office has the following powers:

\* \* \*

(2) To specify priority of liens against any facilities, apparatus equipment, ambulances, rescue vehicles or any equipment purchased by [volunteer] **fire companies** using funds loaned under this subchapter to pay all or any part of the purchase price, as the office may require by established guidelines and procedures. The commissioner may specify the type of liens or collateral authorized as security under this paragraph.

\* \* \*

§ 7371. Disposition and use of proceeds.

(a) General rule.--The proceeds realized from the sale of bonds under this subchapter shall be paid into the [Volunteer Companies Loan Fund] **fund** and are specifically dedicated to the purposes of the referenda of November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, **and the referendum specified under section 7378.4 (relating to referendum to expand loan assistance)**, as implemented by this subchapter. The moneys shall be paid by the State Treasurer periodically to those agencies or authorities authorized to expend the moneys at such times and in such amounts as may be necessary to satisfy the funding needs of the agency or authority.

(b) Investing.--Pending their application to the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State treasury to the credit of the [Volunteer Companies Loan Fund] **fund**.

§ 7374. [Volunteer Company Loan Sinking Fund] **Fire and Emergency Medical Services Loan Sinking Fund** and investments.

All bonds issued under this subchapter shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the [Volunteer Company Loan Sinking Fund] **Fire and Emergency Medical Services Loan Sinking Fund**, which is hereby

created. For the specific purpose of redeeming bonds issued under this subchapter at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the [Volunteer Company Loan Sinking Fund] **Fire and Emergency Medical Services Loan Sinking Fund** for the payment of interest on such bonds and the principal thereof at maturity. All moneys paid into the [Volunteer Company Loan Sinking Fund] **Fire and Emergency Medical Services Loan Sinking Fund** and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

§ 7376. Repayment obligations for principal and interest.

The General Assembly shall appropriate an amount equal to moneys received from the office under section 7365 (relating to [Volunteer Companies Loan Fund] **Fire and Emergency Medical Services Loan Fund**) and such other moneys as may be necessary to meet repayment obligations for principal and interest into the [Volunteer Company Loan Sinking Fund] **Fire and Emergency Medical Services Loan Sinking Fund**.

§ 7378. Temporary financing authorization.

\* \* \*

(d) Proceeds.--The proceeds of all such temporary borrowings shall be paid into the [Volunteer Companies Loan Fund] **fund**.

§ 7378.2. Authorization of contracts, reimbursement procedure and amount.

The following shall apply:

(1) The Secretary of General Services is authorized to enter into contracts with local [volunteer fire, ambulance and rescue companies] **fire companies or emergency medical services companies** to provide services necessary to extinguish fires or perform any other allied services on State-owned property.

(2) The Secretary of Transportation is authorized to enter into contracts with local [volunteer] fire[, ambulance and rescue] companies **or emergency medical services companies** to provide services necessary to extinguish fires or perform any other allied services on limited access highways, other than the Pennsylvania Turnpike.

§ 7378.3. Reimbursement procedure and amount.

The following shall apply:

(1) A contract between the Secretary of General Services or the Secretary of Transportation and a local [volunteer] fire[, ambulance and rescue] company **or emergency medical services company** shall provide that the Department of General Services or the Department of Transportation shall, monthly, upon receipt of proper proof, reimburse each contracted [volunteer] fire[, ambulance and rescue] company **or emergency medical services company** attending and providing fire control or other allied services on State-owned property or limited access highways, as the case may be, a minimum amount of \$50 for each verified fire or emergency call and the cost of any special extinguishing agents utilized, which the [volunteer] fire[, ambulance and rescue] company **or emergency medical services company** made in the preceding month as certified by the person in charge at the particular State-owned property or by an individual or individuals designated by the Secretary of Transportation to verify services rendered on limited access highways.

(2) A contract between the Department of General Services or the Department of Transportation and [a local volunteer ambulance or rescue] **an emergency medical services** company shall also provide that the [ambulance or rescue] **emergency medical services** company request reimbursement from collectible insurance proceeds available as a result of the fire or emergency situation for which the [ambulance or rescue]



**emergency medical services** company provided allied services. Proceeds payable to the [ambulance or rescue] **emergency medical services** company shall be deducted from the reimbursement for services provided pursuant to a contract entered into under this subchapter. Prior to payment for services rendered, the [local volunteer ambulance or rescue] **emergency medical services** company shall provide proof that they requested reimbursement from collectible insurance proceeds.

(3) A false alarm on State-owned property to which a [volunteer] fire[, ambulance or rescue] company **or emergency medical services company** responds shall constitute a fire or emergency call and shall be reimbursed at a rate set by the contract with the Secretary of General Services, but shall not be less than \$25 for each occurrence.

Section 5. Title 35 is amended by adding sections to read:

**§ 7378.4. Referendum to expand loan assistance.**

(a) **Referendum.**--The question of expanding the use of the indebtedness authorized under sections 7367 (relating to authority to borrow) and 7378.1 (relating to referendum for additional indebtedness) for volunteer loan assistance under this subchapter to include municipal fire departments or fire companies and emergency medical services companies for the purpose of establishing and modernizing facilities to house apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties shall be submitted to the electorate at the next primary, municipal or general election held after November 3, 2020.

(b) **Certification.**--The Secretary of the Commonwealth shall certify the question to the county boards of election.

(c) **Question to the electorate.**--The question shall be in substantially the following form:

Do you favor expanding the use of the indebtedness authorized under the referendum for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads under 35 Pa.C.S. § 7378.1 (relating to referendum for additional indebtedness) to include loans to municipal fire departments or companies that provide services through paid personnel and emergency medical services companies for the purpose of establishing and modernizing facilities to house apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of the duties of the fire companies and emergency medical services companies?

(d) **Election procedure.**--The referendum under this section shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(e) **Construction.**--This section shall not be construed as authorizing any additional borrowing for loan assistance to fire companies or emergency medical services companies.

**§ 7378.5. Annual report and distribution of information.**

(a) **Annual report.**--

(1) The office shall produce an annual report, which shall include all of the following information:

(i) How much money is in the fund at the beginning of each fiscal year and the balance in the fund at the end of each fiscal year.

(ii) How many loan applications were received by the office.

(iii) How many loans were issued under the Pennsylvania Fire and Emergency Medical Services Loan Program.

(iv) The fire companies and EMS companies to which the loans were issued by the office.

- (v) The total amount of loans issued by the office.
- (vi) The number and amount of loans for facilities, apparatus and equipment.

(2) The report shall be posted on the office's publicly accessible Internet website and sent to all of the following:

- (i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.
- (ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(b) **Distribution.**--The office shall annually distribute information on the fund to all fire companies and emergency medical services companies in this Commonwealth, including notice of the Pennsylvania Fire and Emergency Medical Services Loan Program and the amounts that can be borrowed under the program.

Section 6. Sections 7382 and 7383 of Title 35 are amended to read:

§ 7382. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Emergency Management Agency.

"Board." **The State Fire Advisory Board.**

"Commissioner." The State Fire Commissioner.

["Committee." The Fire Safety Advisory Committee.]

§ 7383. State Fire Commissioner.

(a) **State Fire Commissioner.**--There shall be a State Fire Commissioner, who[, through the Lieutenant Governor,] shall report to the Governor on all matters concerning fire [safety] **services** in this Commonwealth. The Office of the State Fire Commissioner shall be within the agency for administrative purposes only, and the commissioner shall not report to the director of the agency. The commissioner shall have the power and duty to:

[ (1) Coordinate the activities of State and local community interests engaged in fire prevention and control activities.

(2) Serve as a focal point for information relative to fires, property damage, injuries and the loss of life.

(3) Disseminate, through periodic reports, information about fire prevention efforts and fire control techniques.

(4) Develop and participate in a program of public information and education designed to create a public awareness of the incidence and the ravages of fire and methods the individual can take to prevent fires and minimize loss when they occur.

(5) Serve as a central point to support local efforts and interests in all matters pertinent to fire prevention and control.

(b) **Transfer.**--The commissioner shall use, employ and expend, in connection with the functions, powers and duties enumerated in subsection (a) for the position of the commissioner, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the agency by Reorganization Plan No.5 of 1981 (P.L.612).]

(1) **Serve as the primary representative for fire services in this Commonwealth. The commissioner shall work with Federal agencies to ensure coordination at the State and local levels.**

(2) **Serve as chair of the board.**

(3) **Develop curriculum and provide and assist in the coordination of fire, rescue and emergency services training, including online training and issue certifications.**

- (4) Administer the State Fire Academy.
- (5) Collect data, provide analysis and periodic reports and serve as a focal point for information relative to fires, property damage, injuries to the public and firefighters and the loss of life.
- (6) Conduct after-action reports on significant incidents that involve firefighter deaths and significant injuries.
- (7) Administer grant and loan programs for fire, ambulance and rescue organizations in accordance with this title or as otherwise provided by law, including assistance for firefighter relief associations, the Pennsylvania Fire and Emergency Medical Services Loan Program, fire and emergency medical services loan assistance, fire and emergency medical services grants and money received by the Office of State Fire Commissioner from the Unconventional Gas Well Fund.
- (8) Assist with Statewide recruitment and retention efforts.
- (9) Hire regional technical advisors to assist fire companies with grant and loan assistance, mergers, consolidation and regionalization and promote best practices for systems improvements.
- (10) Promote public education and community risk reduction efforts.
- (11) Administer a fire equipment distributor certification program as provided by law.

(c) Qualifications and appointment.--The commissioner shall be a person who, by reason of training, experience and attainment, is qualified to coordinate [fire prevention and control activities. The commissioner shall be appointed by the Governor after consultation with the fire service community. The commissioner shall act as the Commonwealth's primary representative with the Statewide fire service community.] **services. The commissioner shall have served as a chief officer or administrative officer in a municipal, combination or volunteer fire company. The commissioner shall be appointed by the Governor subject to the consent of a majority of the members elected to the Senate.**

Section 7. Title 35 is amended by adding a section to read:  
§ 7383.1. Curriculum and training.

(a) Duty to establish guidelines.--The commissioner shall establish guidelines for the development, delivery and maintenance of a system of fire and emergency services training.

(b) Training.--Training shall be lecture-based, hands on or online. Training may be conducted at the Pennsylvania State Fire Academy, a county training center, a community college, a local fire station or other appropriate area. The training shall be incorporated into the Train PA system or any other system approved by the commissioner.

(c) Certificate of completion.--The commissioner shall provide a certificate of completion to an individual who successfully completes a fire or emergency services training program.

(d) Publication.--The commissioner shall post a complete listing of the available fire and emergency services training courses on the office's publicly accessible Internet website.

Section 8. Sections 7384(a), (b) and (d), 7385 heading, (a) and (c) and 7386 of Title 35 are amended to read:  
§ 7384. Pennsylvania State Fire Academy.

(a) Creation.--There is created the Pennsylvania State Fire Academy, which shall be under the operational control of the commissioner. The commissioner shall administratively provide for the erection or construction, the furnishing, the staffing and the equipping of buildings and structures through the Department of General Services and for the leasing thereof by the Commonwealth for the use and support of the Pennsylvania State Fire Academy. [The Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service

Institute Board pertaining to the Pennsylvania State Firemen's Training School, which were transferred to the agency under Reorganization Plan No.6 of 1981 (P.L.613) and which are set forth in Subchapter D (relating to State Firemen's Training School), are hereby transferred to and vested in the commissioner.

(b) Transfer.--There are transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Education and the Public Service Institute Board under Subchapter D, and transferred to the agency by Reorganization Plan No.6 of 1981 (P.L.613).]

\* \* \*

(d) Firefighter training and certification.--A Statewide firefighter training program shall be implemented by the commissioner. [to educate the fire service community about the importance of firefighter health and safety. This program shall include measures designed to increase the mobility of training courses throughout this Commonwealth, to enhance firefighter accessibility to training course offerings and to improve and expand training for and response capability to emergencies with emphasis on hazardous materials incidents.] The program shall also include [implementation of] a firefighter certification program in accordance with [parameters developed by the commissioner consistent with] established standards. The acquisition of physical resources to enhance Statewide capability shall be coordinated by the commissioner.

\* \* \*

§ 7385. Pennsylvania [Volunteer] **Fire and Emergency Medical Services** Loan [Assistance] Program.

(a) Creation.--There shall be a loan [assistance] program, which shall be implemented by the commissioner, for [volunteer agencies, known as the Pennsylvania Volunteer Loan Assistance Program,] **fire companies and emergency medical services companies, known as the Pennsylvania Fire and Emergency Medical Services Loan Program**, which shall make loans under Subchapter E (relating to [volunteer fire company, ambulance service and rescue squad assistance]). The Pennsylvania Volunteer Loan Assistance Program and the powers and duties previously vested in the Department of Community Affairs, which were transferred to the agency under Reorganization Plan No.7 of 1981 (P.L.615) and which are set forth under Subchapter E, are hereby transferred to and vested in the commissioner.] **Fire and Emergency Medical Services Loan Program**).

\* \* \*

[(c) Regulations.--The Volunteer Loan Assistance Program regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on or before January 12, 1996. The commissioner may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the Pennsylvania Bulletin as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.]

§ 7386. **State Fire** [Safety] Advisory [Committee] **Board**.

(a) Creation.--

(1) There is created the **State Fire** [Safety] Advisory [Committee] **Board** to assist the commissioner. The [committee]

**board** shall consist of [nine] **the following** members[, as follows:

- (i) The director of the agency, ex officio.
- (ii) The commissioner, who shall serve as chairman.
- (iii) Two paid firefighters to be appointed by the Governor from a list of at least six nominees submitted by the Pennsylvania Professional Firefighters Association.
- (iv) One member of the public to be appointed by the Governor.
- (v) Four volunteer firefighters, one each to be appointed by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.]:

- (i) The commissioner, who shall serve as chairperson.
- (ii) The President of the Pennsylvania Professional Firefighters Association or a designee.

- (iii) The President of the Pennsylvania Career Fire Chiefs Association or a designee.

- (iv) The President of the Pennsylvania Fire and Emergency Services Institute or a designee.

- (v) Ten firefighters appointed by the Governor, to whom the following shall apply:

- (A) One member shall be the President, or designee of the President, of the International Association of Firefighters in a fire company in a city of the first class, second class or third class with a population of at least 115,000 based on the most recent census, so long as the fire company is not a member of the Pennsylvania Professional Firefighters Association.

- (B) Except for the member under clause (A), the following apply:

- (I) One member shall be a certified fire service instructor.

- (II) Members shall be:

- (a) current members of a fire company or currently serving or have served within the past five years as a chief officer or administrative officer of a fire company; and

- (b) certified as Firefighter I or its equivalent.

- (III) One member shall be selected from each of the following regions:

- (a) Region 1 - Crawford, Erie, Forest, Venango and Warren Counties.

- (b) Region 2 - Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland Counties.

- (c) Region 3 - Cameron, Clarion, Clearfield, Elk, Jefferson and McKean Counties.

- (d) Region 4 - Bedford, Blair, Centre, Fulton, Huntingdon, Juniata, Mifflin and Snyder Counties.

- (e) Region 5 - Bradford, Clinton, Lycoming, Potter, Sullivan, Tioga and Union Counties.

- (f) Region 6 - Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties.

- (g) Region 7 - Berks, Columbia, Luzerne, Montour, Northumberland, Schuylkill and Wyoming Counties.

- (h) Region 8 - Carbon, Lackawanna, Lehigh, Monroe, Northampton, Pike, Susquehanna and

**Wayne Counties.**

**(i) Region 9 - Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.**

(2) Members of the [committee] **board** shall serve at the pleasure of their appointing authority. [The committee shall advise the commissioner on matters pertaining to the operation of the Pennsylvania State Fire Academy and any other matters as the commissioner may request.]

(3) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives, or their designees, shall serve as nonvoting members of the board.

(4) The Governor shall appoint the following as nonvoting members of the board:

(i) The director of the agency.

(ii) The Director of the Bureau of Emergency Medical Services of the Department of Health.

(iii) Representatives of the following:

(A) The Pennsylvania Association of Hazardous Materials Technicians.

(B) The Pennsylvania Association of Fire Equipment Distributors.

(C) The County Commissioners Association of Pennsylvania.

(D) The Pennsylvania Municipal League.

(E) The Pennsylvania State Association of Township Commissioners.

(F) The Pennsylvania State Association of Township Supervisors.

(G) The Pennsylvania State Association of Boroughs.

(H) The Pennsylvania Association of Councils of Governments.

(I) Trade associations.

(J) Fire equipment and apparatus vendors.

(K) Members of the public.

(5) Members of the board initially appointed by the Governor under paragraph (1)(v) shall serve an initial term of two years as designated by the Governor at the time of appointment. Upon the expiration of the initial term of office of each member of the board as appointed under paragraph (1)(v), the member shall hold office for a term of four years and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a competent person to serve for the unexpired term.

(6) Upon the completion of a member's term who was appointed under paragraph (1)(v)(A), the Governor shall not appoint the succeeding member from the same class of city as the previous two outgoing members.

(b) Expenses.--Members of the [committee] **board** shall receive reimbursement for reasonable travel[, hotel] and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(c) Meetings.--The board shall meet at least quarterly or at the times and places as called upon by the commissioner. All meetings of the board shall comply with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(d) Duties.--The board shall advise the commissioner on matters pertaining to the following:

(1) Legislation.

(2) Innovative programming.

- (3) Standards of cover for municipalities.
- (4) Operation of the Pennsylvania State Fire Academy.
- (5) Any other matters as the commissioner may request or as directed by the General Assembly.

Section 9. The heading of Subchapter B of Chapter 74 of Title 35 is amended to read:

SUBCHAPTER B  
**FIRE RELIEF ASSOCIATION**

Section 10. The definition of "volunteer firefighters' relief association" in section 7412 of Title 35 is amended and the section is amended by adding definitions to read:

§ 7412. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Commissioner." The State Fire Commissioner.**

**"Fire company." A volunteer fire company, a municipal fire company or a combined volunteer and municipal fire company located in this Commonwealth.**

\* \* \*

**"Length of service award program." A system established by a volunteer fire company or volunteer firefighters' relief association to provide tax-deferred income benefits to active volunteer members of a fire service.**

**"Volunteer fire company." As defined in section 7802 (relating to definitions).**

\* \* \*

**"Volunteer firefighters' relief association." An organization formed primarily to afford financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more [fire companies] **volunteer fire companies or fire companies that are a combination of a volunteer fire company and a municipal fire company**, and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.**

Section 11. Section 7413 introductory paragraph, (1) and (4) of Title 35 are amended and the section is amended by adding a paragraph to read:

§ 7413. Statement of purpose.

The purpose of this subchapter is to encourage individuals to take part in the fire service as volunteer firefighters by establishing criteria and standards for orderly administration and conduct of affairs of firefighters' relief associations to ensure, as far as circumstances will reasonably permit, that funds shall be available for the **assistance to and** protection of volunteer firefighters and their heirs in order to provide:

(1) Financial assistance to volunteer firefighters who may suffer **physical or mental** injury or misfortune by reason of their participation in the fire service.

\* \* \*

(4) Safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the fire service, **including necessary training.**

\* \* \*

**(6.1) Financial assistance to recruit and retain volunteer firefighters.**

\* \* \*

Section 12. Section 7416(a) and (f)(11), (13) and (14) of Title 35 are amended and subsection (f) is amended by adding paragraphs to read:

§ 7416. Funds.

(a) General rule.--A volunteer firefighters' relief association may solicit and receive gifts and contributions from

any source, including municipal corporations, but shall not have the right to receive any portion of the money distributed to political subdivisions of this Commonwealth under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, unless and until the governing body of at least one political subdivision shall have certified to the [Auditor General] **commissioner** that the association is a bona fide volunteer firefighters' relief association, affiliated with a fire company which affords protection against fire to all or a portion of the political subdivision. **This section shall include any non-fire-company-affiliated relief association in existence and receiving funds as provided for under this subchapter prior to November 23, 2010.**

\* \* \*

(f) Use.--Funds of any volunteer firefighters' relief association may be spent:

\* \* \*

(11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service, **including necessary training.**

\* \* \*

(13) To maintain comprehensive health, physical fitness and physical monitoring programs that provide for physical fitness activities, nutrition education **and supplies** and instruction and health and fitness evaluation and monitoring, provided that the programs have been approved by the nearest State-licensed health care facility which is authorized to provide that service.

(14) To purchase exercise and fitness equipment for use by volunteer firefighters[, except that expenditures for exercise and fitness equipment shall not exceed \$2,000 in any two-year period].

\* \* \*

(19) To provide financial assistance for activities and materials needed to aid in the recruitment and retention of volunteer firefighters.

(20) To establish and pay for length of service award programs.

(21) To pay for facilities for storage of emergency vehicles and equipment, training and meetings.

(22) To pay for vehicles used for emergency response.

(23) To purchase equipment used for emergency response.

(24) To defray the cost of obtaining or renewing a commercial driver's licenses under 75 Pa.C.S. Ch. 16 (relating to commercial drivers) for volunteer firefighters who are residents of this Commonwealth to operate fire or emergency vehicles registered to fire companies or municipalities.

(25) To pay for stipends to volunteer firefighters, not to exceed \$1,500 per year.

Section 13. Section 7418 of Title 35 is amended to read:

§ 7418. Audits.

(a) General rule.--

(1) The Office of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association receiving money under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter. Copies of all audits shall be furnished to the Governor.

(2) The commissioner, in consultation with the State Fire Advisory Board, shall establish and publish annually, on the



Office of the State Fire Commissioner's publicly accessible Internet website, eligible uses of the money in accordance with this subchapter.

(3) The commissioner may receive inquiries from the fire services on eligible uses of money and, in consultation with the State Fire Advisory Board, make a determination on the eligible use of money on the equipment or service that is the subject of the inquiry.

(4) Notwithstanding paragraph (1), the commissioner shall maintain authority relating to the eligible uses of money received.

(b) Findings.--If the Auditor General finds that [any] money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by this subchapter, the **commissioner, upon receiving notice of the findings from the Auditor General**, shall [immediately notify the Governor and shall] decline to approve [further requisitions calling for] payment to the volunteer firefighters' relief association until the improperly expended amount has been reimbursed to the relief association fund.

Section 14. Title 35 is amended by adding a section to read:  
**§ 7419.1. Fire relief formula study.**

(a) Study.--The State Fire Advisory Board shall have the following duties:

(1) Review and make findings and recommendations regarding the fire relief funding formula and fire relief services in this Commonwealth.

(2) Hold public meetings regarding the fire relief funding formula and fire relief services in different regions of this Commonwealth.

(3) Consult with and utilize experts to assist the board in carrying out its duties under this section.

(4) Receive input from interested parties and take into consideration the diverse nature of fire services in this Commonwealth.

(5) Draft proposed legislation based on the board's findings and recommendations regarding the fire relief funding formula and fire relief services.

(6) No later than November 30, 2022, issue a report on the board's findings and recommendations regarding the fire relief funding formula and fire relief services to all of the following:

(i) The Governor.

(ii) The commissioner.

(iii) The President pro tempore of the Senate.

(iv) The Majority Leader and Minority Leader of the Senate.

(v) The Veterans Affairs and Emergency Preparedness Committee of the Senate.

(vi) The Speaker of the House of Representatives.

(vii) The Majority Leader and Minority Leader of the House of Representatives.

(viii) The Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(b) Construction.--Nothing in this section shall be construed to authorize a fire relief funding formula to go into effect without being approved by an act of the General Assembly.

Section 15. The definition of "fire company" in section 7802 of Title 35 is amended and the section is amended by adding a definition to read:

**§ 7802. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Airport fire company." A fire company that does all of the following:

- (1) Is associated with an airport.
- (2) Has a mutual aid agreement with a neighboring municipality.
- (3) Has responded to at least 15 fire or rescue emergency calls annually to neighboring fire companies as provided in documentation requested by the State Fire Commissioner.

\* \* \*

"Fire company." A volunteer fire company [or], a municipal fire company **or a combined volunteer and municipal fire company** located in this Commonwealth. The term includes an airport fire company.

\* \* \*

Section 16. Sections 7811 and 7812 of Title 35 are amended to read:

§ 7811. Establishment.

The Fire Company Grant Program is established and shall be administered by the [agency in consultation with the] commissioner. Grants provided under this program shall be used to improve and enhance the capabilities of [the fire company] **fire companies** to provide firefighting, ambulance and rescue services.

§ 7812. Publication and notice.

The [agency] **commissioner** shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin[:]

- (1) within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007; and
- (2)] by August 8 for [fiscal years beginning after June 30, 2008.] **each fiscal year. The commissioner shall post a notice of the grant program and application for the grant program on the Office of the State Fire Commissioner's publicly accessible Internet website.**

Section 17. Section 7813(a), (c) and (d) of Title 35 are amended, subsection (b) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 7813. Award of grants.

(a) Authorization.--The [agency] **commissioner** is authorized to make a grant award to each eligible fire company for the following:

- (1) Construction and renovation of [the fire company's facility] **facilities** and purchase or repair of fixtures and furnishings, **office equipment and support services** necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.
- (2) Repair of firefighting, ambulance or rescue equipment or purchase thereof.
- (3) Debt reduction associated with paragraph (1) or (2).
- (4) Training and certification of members.
- (5) [Training and education] **Education** of the general public regarding fire prevention **and community risk reduction.**
- (6) **Recruitment and retention, including, but not limited to, volunteer firefighter length of service award programs and programs for minors.**
- (7) **Revenue loss for grants issued in 2021 and 2022.**

\* \* \*

(b) Limits.--

\* \* \*

(4) A fire company may only apply for a grant for up to five years for the purpose under subsection (e).

(c) Time for filing application and department action.--

- (1) [Within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007, and by] **By September [1] 8 of each year [thereafter], the [agency] commissioner**

shall provide **applications and** written instructions for grants under this chapter to:

- (i) except as set forth in subparagraph (ii), the fire chief and president of every fire company; or
- (ii) in the case of a municipal fire company, the chief executive of the municipality.

(2) [Within 45 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007, and by September 8 of each year thereafter, the agency shall provide applications to individuals specified in paragraph (1). The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application.] Fire companies seeking grants under this chapter shall submit completed applications to the [agency] **commissioner and the municipalities where the fire companies are located**. The application period shall remain open for 45 days each year. The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the [agency] **commissioner** within 60 days after the close of the application period each year shall be deemed approved.

(d) Eligibility.--To receive grant funds under this chapter, a fire company must:

(1) Have actively responded to at least [10] **15** fire or rescue emergencies during the previous calendar year.

(2) Be actively participating in the Pennsylvania Fire Information Reporting System under a signed agreement. The commissioner shall develop and publish guidelines specifying the criteria necessary to determine the level of participation in the Pennsylvania Fire Information Reporting System to remain eligible for grant funds.

(e) **Construction Savings Account.--A fire company may apply for a grant under subsection (a) for the purpose of constructing a new facility. The grant shall be deposited into the Construction Savings Account, which is established within the State Treasury. Money in the Construction Savings Account may be withdrawn by application of the fire company. The Construction Savings Account shall be administered by the commissioner. The following shall apply:**

(1) A fire company may only access money in the Construction Savings Account for emergency purposes and at the discretion of the commissioner.

(2) For a fire company to withdraw money from the Construction Savings Account:

(i) The application shall contain the signatures of two duly elected officers of the fire company.

(ii) The fire company shall indicate on the application how the money is going to be used under subsection (a).

(3) Any interest accrued on the Construction Savings Account may be used by the commissioner for administrative purposes.

Section 18. Sections 7814, 7821, 7822 and 7823(a) and (c) of Title 35 are amended to read:  
§ 7814. Consolidation incentive.

If[, after July 31, 2003,] two or more volunteer fire companies consolidate their use of facilities, equipment, firefighters and services, the consolidated entity may, upon notification of the [agency] **commissioner**, be eligible for a reduction of the interest rate payable on any outstanding principal balance owed, as of the date of consolidation, by any or all of the consolidating companies to the [Volunteer Companies Loan Fund] **Fire and Emergency Medical Services Loan Fund** for loans made under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or

under Subchapter E of Chapter 73 (relating to [volunteer fire company, ambulance service and rescue squad assistance] **Fire and Emergency Medical Services Loan Program**). The reduction in the interest rate payable shall be from 2% to 1%. Upon receipt of such notification, the [agency, in conjunction with the State Fire Commissioner,] **commissioner** shall determine and verify that the consolidated entity is in fact a bona fide consolidated volunteer fire company. If the [agency] **commissioner** determines that the consolidated entity is a bona fide consolidated volunteer fire company, [it] **the commissioner** shall reduce the interest rate payable on any outstanding principal balance owed to the [Volunteer Companies Loan Fund] **Fire and Emergency Medical Services Loan Fund** for loans made under the former Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or under Subchapter E of Chapter 73, for which the consolidating companies or the consolidated entity may be individually or jointly responsible. The [agency] **commissioner** may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.

§ 7821. Establishment.

The Emergency Medical Services Grant Program is established and shall be administered by the [agency] **commissioner**. Grants provided under this program shall be used to improve and enhance the capabilities of EMS [companies] to provide ambulance, emergency medical, basic life support and advanced life support services.

§ 7822. Publication and notice.

The [agency] **commissioner** shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin[:]

(1) within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007; and

(2)] by August 8 for [fiscal years beginning after June 30, 2008] **each fiscal year**.

§ 7823. Award of grants.

(a) Authorization.--The [agency] **commissioner** is authorized to make a grant award to each eligible EMS company for the following:

(1) Construction and renovation of the EMS company's [facility] **facilities** and purchase or repair of fixtures, furnishings, office equipment and support services necessary to maintain or improve the capability of the [ambulance service] **services** to provide ambulance, emergency medical, basic life support and advanced life support services.

(2) Repair of ambulance equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

(4) Training and certification of members.

(5) **Education of the general public regarding community risk reduction programs.**

(6) **Recruitment and retention programs, including, but not limited to, programs for minors.**

(7) **Revenue loss for grants issued in 2021 and 2022.**

\* \* \*

(c) Time for filing application and department action.--

(1) [Within 30 days of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by] **By** September [1] **8** of each year [thereafter], the [agency] **commissioner** shall provide **applications** and written instructions for grants under this chapter to the president **or lead officer** of every EMS company in this Commonwealth.

(2) [Within 45 days of the effective date of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 8 of each year, the agency shall provide applications to the president of every EMS company. The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application.] EMS companies

seeking grants under this chapter shall submit completed applications to the [agency] **commissioner**. The application period shall remain open for 45 days each year. The [agency] **commissioner** shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the [agency] **commissioner** within 60 days after the close of the application period each year shall be deemed approved.

Section 19. Subchapter C of Chapter 78 of Title 35 is amended by adding a section to read:

**§ 7824. Consolidation incentive.**

After January 1, 2020, if two or more emergency medical services companies consolidate their use of facilities, equipment and services, the consolidated entity may, upon notification of the commissioner, be eligible for a reduction of the interest rate payable on any outstanding principal balance owed, as of the date of consolidation, by any or all of the consolidating companies to the Fire and Emergency Medical Services Loan Fund for loans made under Subchapter E of Chapter 73 (relating to Fire and Emergency Medical Services Loan Program). The reduction in the interest rate payable shall be from 2% to 1%. Upon receipt of such notification, the commissioner shall determine and verify that the consolidated entity is in fact a bona fide consolidated emergency medical services company. If the commissioner determines that the consolidated entity is a bona fide consolidated emergency medical services company, the commissioner shall reduce the interest rate payable on any outstanding principal balance owed to the Fire and Emergency Medical Services Loan Fund for loans made under Subchapter E of Chapter 73, for which the consolidating companies or the consolidated entity may be individually or jointly responsible. The commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.

Section 20. Sections 7831, 7832, 7832.1, 7833, 7841 and 7842(b) of Title 35 are amended to read:

**§ 7831. Fire Company Grant Program.**

The sum of \$22,000,000 of the amount appropriated to the [agency] **commissioner** for fire company grants under section 1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall be expended for the purpose of making grants to eligible fire companies under Subchapter B (relating to fire company grant program).

**§ 7832. Emergency Medical Services Company Grant Program.**

The sum of \$3,000,000 of the amount appropriated to the [agency] **commissioner** for EMS company grants under section 1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall be expended for the purpose of making grants to eligible EMS companies under Subchapter C (relating to emergency medical services grant program).

**§ 7832.1. Additional funding.**

In addition to sums transferred from the State Gaming Fund and under section 2413(a)(1) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$5,000,000 shall be transferred annually from the Property Tax Relief Reserve Fund to the Fire Company Grant Program for the purpose of making grants to eligible fire companies under this subchapter.

**§ 7833. Allocation of appropriated funds.**

(a) Administration.--

(1) Except as provided under paragraph (2), no money from the appropriation for grants shall be used for expenses or costs incurred by the [agency] **commissioner** for the administration of the grant programs authorized under Subchapters B (relating to fire company grant program) and C (relating to emergency medical services grant program).

(2) Notwithstanding paragraph (1), the commissioner may use not more than \$800,000 of any unencumbered funds remaining in the fund for administrative costs for grant program implementation under this chapter.

(b) Grant allocation.--Unless otherwise expressly stated, money appropriated to the [agency] **commissioner** for purposes of **fire company and EMS** company grants shall be allocated as follows:

(1) Eighty-eight percent of the amount appropriated shall be used for making grants to eligible fire companies under Subchapter B.

(2) Twelve percent of the amount appropriated shall be used for making grants to eligible EMS companies under Subchapter C.

§ 7841. Expiration of authority.

The authority of the [agency] **commissioner** to award grants under Subchapters B (relating to fire company grant program) and C (relating to emergency medical services grant program) shall expire [June 30, 2020] **June 30, 2024**.

§ 7842. Special provisions.

\* \* \*

(b) Delinquency.--An applicant for a grant under this chapter who is delinquent in loan payments to the Pennsylvania [Volunteer Loan Assistance Program established under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act,] **Fire and Emergency Medical Services Loan Program** must use its grant funds to pay any arrears to the Commonwealth or it will not be qualified to receive a grant. Any organization that fails to comply with this subsection shall be disqualified from applying to the grant program for a period of [three] **five** years.

\* \* \*

Section 21. Title 35 is amended by adding a section to read:  
§ 7843. **Annual reports.**

(a) **Contents.**--The commissioner shall prepare an annual report on the **Fire Company Grant Program and Emergency Medical Services Grant Program**. The annual report shall include all of the following information:

(1) The total number of fire companies and EMS companies that were notified of the grant programs.

(2) The total number of fire companies and EMS companies that submitted applications for the grant programs.

(3) The total number of fire companies and EMS companies that were approved for grants.

(4) An analysis of how the grants were used for facilities, equipment, debt reduction, training and certification, the education of the general public, construction savings accounts and recruitment and retention, including length of service award programs, as delineated by county and municipality.

(5) A list of the fire companies as delineated by county that received additional grants under section 7813(a.2) (relating to award of grants).

(6) A list of the different entities that received grants, including municipal fire companies, volunteer fire companies, municipal emergency medical services companies and volunteer EMS companies.

(7) A list of the different reasons why grants were not issued to fire companies and EMS companies, including, but not limited to, the following:

(i) Failure to submit applications for the grant programs.

(ii) Failure to run calls for emergencies.

(iii) Delinquencies and bankruptcies.

(8) A list of the fire companies and EMS companies that utilized the grants to pay off loans under the Pennsylvania

**Fire and Emergency Medical Services Loan Program.**

(b) **Submission.**--The commissioner shall submit the annual report by October 1, 2020, and by October 1 of each year thereafter, to all of the following:

(1) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(2) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(c) **Posting.**--The commissioner shall post the annual report on the Office of the State Fire Commissioner's publicly accessible Internet website.

Section 22. The definitions of "governing body" and "municipality" in section 79A03 of Title 35 are amended to read: § 79A03. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Governing body." A **governing body of a county**, city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, **governing body of a school district**, governing council of a home rule municipality or optional plan municipality or a governing council of any similar purpose government which may be created by statute after the effective date of this section and which has adopted a tax credit under this chapter.

\* \* \*

"Municipality." Any **county**, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality [or any], similar general purpose unit of government which may be created or authorized by statute **or any school district**.

\* \* \*

Section 23. Sections 79A11(a) and (b), 79A13 and 79A24(b) of Title 35 are amended to read:

§ 79A11. Program authorization.

(a) **Establishment.**--A municipality that levies an earned income tax may establish by ordinance **or resolution** a tax credit against an individual's liability imposed under Chapter 3 of the Local Tax Enabling Act for active service as a volunteer.

(b) **Amount.**--A municipality shall set forth in the ordinance **or resolution** the total amount of the tax credit that will be offered to an individual. If an individual's earned income tax liability is less than the amount of the tax credit offered, the individual's tax credit must equal the individual's tax liability.

\* \* \*

§ 79A13. Real property tax credit.

The governing body of a municipality may provide, by ordinance **or resolution**, for a tax credit against real property tax to be granted to an active volunteer. The tax credit shall apply to tax levied on residential real property owned and occupied by an active volunteer who is certified under section 79A23 (relating to certification). The amount of the tax credit authorized by an ordinance [shall not exceed 20%] **or resolution may not exceed 100%** of the tax liability of the active volunteer.

§ 79A24. Rejection and appeal.

\* \* \*

(b) **Appeal.**--An active volunteer shall have the right to appeal a claim that has been rejected by a governing body. The governing body shall establish, by ordinance **or resolution**, the procedure by which a rejected claim can be appealed.

Section 24. Title 35 is amended by adding sections to read: § 79A32. **Intergovernmental cooperation.**

A council of governments, consortium or other similar entity of which the municipality is a member may provide for the joint creation and administration of a volunteer service credit program and tax credits adopted by its members. A governing body may, by ordinance or resolution, delegate to the entity its powers and duties under Subchapter C (relating to volunteer service credit), including the process of rejecting and appealing claims under section 79A24 (relating to rejection and appeal).

**§ 79A33. Duties of State Fire Commissioner.**

The State Fire Commissioner shall:

(1) Establish guidelines for municipalities, volunteer fire companies and nonprofit EMS agencies regarding the tax credit and post the guidelines online.

(2) Require municipalities and entities under this section to notify the State Fire Commissioner of the adoption of a tax credit.

(3) Provide an annual report on the tax credit authorized under this chapter to the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives which shall include:

(i) Each municipality that provides the tax credit.

(ii) The amount of the tax credit.

Section 25. The following shall apply for the fiscal year beginning after June 30, 2020, and ending before July 1, 2021:

(1) The following shall apply to fire company grants under 35 Pa.C.S. Ch. 78 Subch. B:

(i) Notwithstanding 35 Pa.C.S. § 7812, the State Fire Commissioner shall, within five days of the effective date of this section, transmit notice of the Fire Company Grant Program availability to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(ii) Notwithstanding 35 Pa.C.S. § 7813(c), the following shall apply:

(A) Within 15 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide written instructions for grants under 35 Pa.C.S. Ch. 78 Subch. B to:

(I) except as set forth in subclause (II), the fire chief and president of every fire company; or

(II) in the case of a municipal fire company, the chief executive of the municipality.

(B) Within 45 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide applications to individuals specified in clause (A). Fire companies seeking grants under 35 Pa.C.S. Ch. 78 Subch. B shall submit completed applications to the State Fire Commissioner. The application period shall remain open for 45 days. The State Fire Commissioner shall act to approve or disapprove applications within 60 days of the application submission deadline. Applications which have not been approved or disapproved by the State Fire Commissioner within 60 days after the close of the application period shall be deemed approved.

(2) The following shall apply to emergency medical services grants under 35 Pa.C.S. Ch. 78 Subch. C:

(i) Notwithstanding 35 Pa.C.S. § 7822, the State Fire Commissioner shall, within five days of the effective date of this section, transmit notice of the Emergency Medical Services Grant Program availability to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(ii) Notwithstanding 35 Pa.C.S. § 7823(c), the following shall apply:



(A) Within 15 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide written instructions for grants under 35 Pa.C.S. Ch. 78 Subch. C to the president of every emergency medical services company in this Commonwealth.

(B) Within 45 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide applications to individuals specified in clause (A). Emergency medical services companies seeking grants under 35 Pa.C.S. Ch. 78 Subch. C shall submit completed applications to the State Fire Commissioner. The application period shall remain open for 45 days. The State Fire Commissioner shall act to approve or disapprove applications within 60 days of the application submission deadline. Applications which have not been approved or disapproved by the State Fire Commissioner within 60 days after the close of the application period shall be deemed approved.

Section 26. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) Section 25 of this act.

(ii) This section.

(iii) The amendment of 35 Pa.C.S. § 7841.

(2) The amendment or addition of the following shall take effect in six months:

(i) 35 Pa.C.S. Ch. 74 Subch. B heading.

(ii) 35 Pa.C.S. § 7412.

(iii) 35 Pa.C.S. § 7413 introductory paragraph, (1), (4) and (6.1).

(iv) 35 Pa.C.S. § 7416(a) and (f)(13), (14), (19), (20), (21), (22), (23), (24) and (25).

(v) 35 Pa.C.S. § 7418(b).

(vi) 35 Pa.C.S. § 7419.1.

(3) The amendment of 35 Pa.C.S. § 7383(c) shall take effect on January 1, 2022.

(4) The remainder of this act shall take effect in 60 days.

APPROVED--The 29th day of October, A.D. 2020.

TOM WOLF